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Chambers of Vincent L. Briccetti

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
DEURY ROSARIO,

Petitioner,

v.

SUPERINTENDENT DARWIN LACLAIR,

Respondent.  
-----X

**ORDER**

20 CV 5475 (VB)

**USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 7/9/24**

Petitioner, proceeding pro se, commenced this action by filing a petition for writ of habeas corpus dated June 23, 2020. (Doc. #1). At that time, petitioner was incarcerated at Franklin Correctional Facility in Malone, New York.

On July 8, 2024, mail containing the Court's Order dated June 18, 2024 (Doc. #25) was returned and marked "Not Deliverable As Addressed Unable to Forward." This mailing was sent to petitioner at Franklin Correctional Facility, which is the address listed on the docket and reflected in petitioner's most recent filing. (See Doc. #24). A search of New York State's DOCCS Incarcerated Lookup website indicates petitioner was released from state custody on June 30, 2023, with the following notation: "6/30/2023 PAROLE – COND REL IMMIGRATN."

As stated in the "Habeas Information Package" sent to petitioner on July 20, 2020 (Doc. #9), it is petitioner's responsibility to notify the Court in writing if his address changes, and the Court may dismiss this action if petitioner fails to do so. The Habeas Information Package also contained a blank "Notice of Change of Address" form.

Accordingly, it is HEREBY ORDERED:

1. By August 9, 2024, petitioner is directed to update the Court in writing as to his current address. Failure to comply with the Court's Order may result in dismissal of this action for failure to prosecute or comply with Court orders. Fed. R. Civ. P. 41(b).

2. Counsel for respondent is directed to make a good-faith effort to locate petitioner. By August 9, 2024, counsel shall file a letter informing the Court whether they have any further information as to petitioner's current location, mailing address, or custody status.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal taken from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

Chambers will mail a copy of this Order to plaintiff at the address on the docket, which remains Franklin Correctional Facility.

Dated: July 9, 2024  
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent L. Briccetti', written over a horizontal line.

Vincent L. Briccetti  
United States District Judge